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ENERGY &  
TELECOMMUNICATIONS  
INTERIM COMMITTEE 2017-2018

# Montana Code Annotated 2017

TITLE 69. PUBLIC UTILITIES AND CARRIERS

Sept. 10, 2018

Exhibit 11

CHAPTER 8. ELECTRIC UTILITY INDUSTRY GENERATION REINTEGRATION

Part 4. Public Utilities, Cooperative Utilities, and Electricity Suppliers

## Universal System Benefits Programs Credit Review Process -- Penalties

**69-8-414. Universal system benefits programs credit review process -- penalties.** (1) (a) All annual reports required pursuant to **69-8-402(8)** and (10) must be filed with the department of revenue on March 1 of each year.

(b) Except as provided in subsection (1)(c), a utility or large customer who fails to file a report in accordance with subsection (1)(a) is subject to an administrative penalty of not less than \$1,000 or more than \$5,000.

(c) The department may not impose a penalty pursuant to this subsection (1) unless the department:

(i) provides notice to a utility or a large customer of the failure to file a timely report in accordance with **69-8-402(8)** or (10); and

(ii) does not receive a report from the utility or a large customer within 20 business days of the notice required pursuant to subsection (1)(c)(i).

(d) Any penalties recovered by the department must be deposited in the universal low-income energy assistance fund established in **69-8-412(1)(b)**.

(2) Except as provided in **69-8-413**, upon a challenge by an interested person, the department of revenue shall ensure that the credit claimed is consistent with this chapter. An interested person may file comments challenging the claim, including supporting documentation, with the department of revenue. A challenge of any claimed credit must be filed within 60 days of the department of revenue's receipt of the credit claimant's annual reports required pursuant to **69-8-402(8)** and (10).

(3) Claimed credits are presumed to be correct unless challenged by an interested person. If a challenge is filed by an interested person, the department of revenue shall conduct an initial review of a challenged credit and shall make a determination as to the likelihood that the challenged credit qualifies for universal system benefits programs. If the department of revenue finds that the challenged credit is not likely to qualify for universal system benefits programs, the department of revenue shall formally review the challenge; otherwise, the department of revenue shall dismiss the challenge and provide a statement of the reasons supporting dismissal of the challenge. The department of revenue may request additional information from the credit claimant or interested person. The department of revenue shall complete the initial review within 30 days of the challenge.

(4) If the department of revenue determines that a formal review of a challenged credit is necessary, the department of revenue shall provide public notice of the opportunity to comment to the credit claimant and interested persons. The department of revenue may also schedule an oral hearing. If a hearing is scheduled, the department of revenue shall provide public notice of the hearing to the credit claimant and interested persons.

(5) For a formal credit review challenge, the following procedures apply:

- (a) The credit claimant shall provide documentation supporting the credit claimed to the department of revenue and to all interested persons, subject to department of revenue protective orders for confidential or sensitive materials, upon a showing of a privacy interest by the credit claimant.
- (b) The department of revenue shall make all materials related to the claim, the challenge, and the submitted comments available to the credit claimant and for public inspection and photocopying, subject to any department of revenue protective orders.
- (c) The credit claimant may respond in writing to any comments and other documents filed by an interested person.
- (d) The department of revenue may ask for additional detailed information to implement this section.
- (6) Upon completing a formal review of a challenged credit, the department of revenue shall make a decision to certify or to deny the credit claimed, providing a statement of the reasons supporting the department of revenue's decision. The formal review of a challenged credit, including the department of revenue's final decision, must be completed within 60 days of the department of revenue's public notice of the opportunity to comment on the challenged credit.

**History:** En. Sec. 7, Ch. 580, L. 1999; amd. Sec. 17, Ch. 577, L. 2001 (voided by I.R. No. 117, Nov. 5, 2002); amd. Sec. 2, Ch. 393, L. 2015.

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